Bill Pascrell Jr., Tim Holden, Steve Israel, Jose E. Serrano, Carolyn McCarthy, Gregory W. Meeks, James P. McGovern, Shelley Berkley, Nita M. Lowey, Nydia M. Velazquez, Maurice D. Hinchey, Joe Baca, Jay Inslee, Carolyn B. Maloney, Robert Wexler, Cynthia A. McKinney, Carrie P. Meek, Rush D. Holt, Earl F. Hilliard, Lucille Roybal-Allard, Martin Frost, Sam Farr, William J. Coyne, Ron Kind.

Patsy T. Mink, Fortney Pete Stark, Mike Thompson, Tom Sawyer, Mike Ross, Dennis Moore, John J. LaFalce, Barney Frank, Dennis J. Kucinich, Ed Pastor, David Wu, Steven R. Rothman, Nancy Pelosi, William Lacy Clay, Melvin L. Watt, John B. Larson, Neil Abercrombie, Julia Carson, Hilda L. Solis, Carolyn C. Kilpatrick, Michael E. Capuano, Rod R. Blagojevich, Jim Matheson, Karen L. Thurman.

MOTOR CARRIER FUEL COST EQUITY ACT OF 2001

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. RAHALL. Mr. Speaker, I am pleased to introduce the bi-partisan "Motor Carrier Fuel Cost Equity Act of 2001" with my colleagues Mr. BLUNT of Missouri, Mr. MOLLOHAN of West Virginia, Mr. NEY of Ohio, Mr. PETERSON of Minnesota, Mr. STRICKLAND of Ohio, Mr. LIPINSKI of Illinois and Ms. BROWN of Florida.

In the 106th Congress, the House passed this bill by suspension of the rules on October 10, 2000 because Members recognized the hardship small business truckers suffer when they must pay for price spikes in the cost of diesel fuel. However, the bill was received in the Senate the next day and no further action was taken. Today, my colleagues and I re-introduce this bill with the hope that it will be enacted into law. Our goal is to ease the financial burden on small business truckers who need relief from diesel fuel price spikes.

Small business truckers are the Owner-Operators, approximately 350,000 men and women throughout the United States who own, operate and maintain their own 18-wheelers for their livelihood. They comprise about 67 percent of our nation's trucking force. They pay for their own diesel fuel, taxes, highway tolls and permits. These men and women do not work for the large trucking companies which negotiate long term fuel contracts and can defray part of the cost of skyrocketing fuel prices. Unlike the large trucking companies, the Owner-Operators are at the mercy of diesel fuel price spikes. They simply do not have the market clout to negotiate fuel contracts.

In the last 18 months, the price of diesel fuel has risen more than fifty cents a gallon over the 1999 levels. While the price spikes have hurt the entire trucking industry, no one is hurt like the little guy. Fuel is the single biggest operating cost of a small business trucker and accounts for up to one-third of their budget. According to an analyst with A.G. Edwards, almost 200,000 trucks have been repossessed since January of 2000 because small business truckers could not make ends meet.

In the third quarter of 2000 over 1,350 companies owning five trucks or less went bankrupt. This is nearly double the record set in the previous quarter. The price of diesel fuel prices was the primary factor in causing these bankruptcies. Just-in-time deliveries are being threatened, fewer transportation alternatives for shippers are available and consumers could face a rise in the price of various goods and commodities resulting in a national economic downturn.

The "Motor Carrier Fuel Cost Equity Act of 2001" gives a safety net of relief to owner-operators, shippers and consumers by ensuring that a fuel surcharge will be assessed at times of diesel fuel price spikes. Under terms of a surcharge, a shipper pays to the trucking companies the difference between what is deemed to be a baseline cost of diesel fuel and the sudden, dramatic increases in the cost of that fuel. The legislation provides that the fuel surcharge must be itemized on the freight bill or invoice to trucking customers. The fuel surcharge arrangement will be enforced solely by the parties themselves through private action. The federal government will have no regulatory or enforcement authority.

The bill will not abrogate existing fuel surcharge arrangements. Customers who already pay a fuel surcharge will not be affected by this legislation. Nothing in the bill will prevent parties in the future from establishing a fuel surcharge agreement that is different from this pending legislation. All past, current and future privately negotiated fuel surcharge agreements are fully respected.

In calculating a diesel fuel surcharge, pricing will be based on the National Average Diesel Fuel Index which is published by the Energy Information Administration of the United States Department of Energy. Whenever fuel costs return to normal levels, the surcharge will no longer be applied.

America watched the economies of Britain and France thrown into chaos on the issue of diesel fuel prices. A lack of relief from diesel fuel prices is a formula for disaster in the making, considering the large number of bankruptcies we have recently witnessed in the United States.

The essential feature of the Motor Carrier Fuel Cost Equity Act of 2001 is that it provides a private right of action as a means to ensure that the entity which actually pays for the fuel receives the surcharge. No Federal Government enforcement. No cost to the taxpayers. Just simply equity and fairness.

High diesel fuel prices have also had a devastating effect on our nation's port drivers. Their poor working conditions have come to the attention of the International Brotherhood of Teamsters, which is involved in an ongoing effort to organize port truck drivers and to bring national attention to their plight.

It is time that we go to bat for the little guy, the small businessperson, and for the integrity of our economy by enacting the Motor Carrier Fuel Cost Equity Act of 2001.

THE HONORABLE MAERSK MOLLER, A MARITIME VISIONARY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute to a most extraordinary maritime leader, Mr. Maersk Mc-Kinney Moller, a true visionary of the international shipping community and owner of the A.P. Moller Group. Mr. Moller's company, Maersk-Sealand, is a global transportation provider whose fleet of ships make it the world's largest shipping company. I am also very pleased to note that Maersk Moller's ships fly the American flag and generate much needed jobs for U.S. maritime labor. In fact, Maersk-Sealand directly generates employment for approximately 9000 people in its United States shipping business and it also serves more than 30,000 U.S. based companies engaged in international trade.

Maersk is truly a remarkable company, Mr. Speaker, and Maersk Mc-Kinney Moller is an exceptional person. Mr. Moller's family history is rooted in the United States. His mother was an American, born in Kansas City. During the time spent in this country during World War II, Mr. Moller developed a keen appreciation of the many sacrifices Americans made during that great struggle. Many of the ships in the A.P. Moller fleet were used by the United States and our allies. Following World War II, Maersk Moller, his father, and many other people worked hard to rebuild their civilian shipping enterprise into the world-class company it is today.

I would like to cite a few of the significant Maersk milestones.

The company's United States headquarters was founded in 1943.

Today Maersk has 10 United States corporate entities dedicated to ship management, terminal operations, trucking, rail transportation, and third party logistics and, as mentioned, it generates employment for approximately 9000 Americans.

In 1947, a prominent affiliate, Maersk Line, Limited, was chartered in Delaware.

Maersk Line, Limited is the largest U.S.-flag carrier serving the foreign trades of the United States.

53 vessels documented under the U.S.-flag are owned, operated or chartered by Maersk Line, Limited.

29 of these ships are dedicated to service for the U.S. government.

Maersk Line, Limited has become a critical partner in the preposition ship program for the Marine Corps and U.S. Army.

Maersk Line, Limited ships were the first vessels to arrive in Desert Storm and off-load critically needed Marine Corps supplies and equipment.

Space on Maersk commercial ships was provided free of charge to the U.S. government so the government could load much needed supplies for our troops during the sustainment phase of the operation.

Mr. Speaker, during a recent discussion with Mr. Maersk Moller, I was impressed with his deep desire to maintain a competitive U.S.-